

## **REMARKS**

Pending claims 1 through 32 have been rejected under Section 103 based on United States Patent Number 4,154,636 (“Motoyama”). Applicant amends 1, 9, 10, and 11 to recite a “planar” first sheet; amends claims 9 and 11 to delete “transfer means” in favor of “transport drive” to make it clear that the element falls outside of Section 112, Paragraph 6; amends claim 11 to clarify that the “pre-shaping device” acts on “the second sheet”; and amends claim 12 to incorporate the limitations of claims 13 and 14, which are now canceled. The limitations added to claim 12 have been changed to recite the outer ends “of the sheets” (rather than the “of the products”) are “bent” (rather than “bend”) to correct editorial error.

Motoyama discloses a “method of film coating medicines which comprises either putting a prescribed dose of a medicine between two sheets capable of releasing the medicine wrapped therein within the digestive organs or putting a prescribed dose of a medicine in a tablet-shaped or capsule-shaped receptacle consisting of said film, and subsequently putting the films together so as to wrap the medicine therein.” (Motoyama, Abstract). But Motoyama does not support a *prima facie* case of obviousness because Motoyama neither teaches nor suggests all of the limitations of the amended claims, as explained below.

### Independent Claims 1, 9, 10, and 11

Motoyama neither teaches nor suggests, for example, a method for packaging products including “*positioning* the products on a *planar* first sheet,” as recited in independent claims 1 and 10. Nor does Motoyama teach or suggest, for example, “a first transport drive for continuously moving a *planar* first sheet,” as recited in independent claims 9 and 11, nor the limitations of “*positioning means* for positioning the products on the *planar* first sheet,” or “*protruding sealing ribs* extending substantially transversely to the transport direction to contact the *planar* first sheet,” as recited in claim 9.

Rather, Motoyama discloses rolls 3 and 4 having recesses 5 and 6 that form the corresponding shapes into films 1 and 2, as shown in each of Motoyama’s Figures 1 and 3. Moreover, Motoyama’s “box A and cover B” shown in Figures 4 and 5 neither teach or suggest the above limitations. Accordingly, Applicant submits that independent claims 1, 9, 10, and 11 are in patentable condition.

Independent Claim 12 and Dependent Claims 16 and 28

Amended independent claim 12 recites “an array of packaged products” such that “the products have an elongated form and are positioned transversely with respect to the sheets and the sides of the sealed sheets extending from the outer ends of the products are bent in order to give the array rigidity in its longitudinal direction.” The claimed “sides” are best illustrated in Applicant’s Figure 4 as indicated by reference numeral 21.

Motoyama neither expressly nor inherently discloses that its medicine units are “positioned transversely with respect to the sheets”. Nor does Motoyama teach or suggest that “the outer ends of the sheets are bent in order to give the array rigidity in its longitudinal direction.” Furthermore, Motoyama does not teach or suggest the limitation(s) in each of claims 16 and 28, which depend from claims 15 and 26, respectively, that “the upper sheet end portions and portions of the lower sheet forming the end seals are folded upwardly, whereby rigidity of the package is enhanced.” Accordingly, Applicant submits that independent claim 12 is in patentable condition and dependent claims 16 and 28 contain patentable subject matter.

Independent claims 15 and 26

Claim 15 recites, *inter alia*, a “bandolier of packaged candy bars” including “an array of candy bars” and either “a wrap” (claim 15) or “a lower film” and “an upper film” having “seals forming airtight wrap units” (claim 26). Claim 15 also states “each candy bar having a longitudinal axis that is parallel to and spaced apart from the longitudinal axes of other candy bars in the array” and “transverse seals being perforated or scored to enable disconnecting one wrap unit from another while maintaining an air-tight seal of each wrap unit.” Claim 26 also states “the transverse seals located between adjacent wrap units including a score or perforation enabling a unit to be disconnected from an adjacent wrap unit while each wrap unit remains airtight.”

Motoyama neither teaches nor suggests this structure. For example, Motoyama does not disclose a bandolier at all. Motoyama does not disclose “transverse seals” that are “perforated or scored to enable disconnecting one wrap unit from another while maintaining an air-tight seal of each wrap unit,” as recited in claim 15 nor like structure recited in claim

26. Rather, the products of Motoyama's process are individual medicine units. Accordingly, Applicant submits that independent claims 15 and 26 are in patentable condition.

Numerous claims that depend from claims 15 and 26 recite additional patentable subject matter, including (without limitation) "an underside of the lower sheet consists of a substantially flat surface" (claims 19 and 31); "the distance between each candy bar in the array is less than the height of each candy bar" (claims 20 and 32); and "the transverse seals are parallel to the longitudinal axes of the candy bars" (claims 21). Motoyama neither teaches nor suggests this structure.

### **CONCLUSION**

The above arguments explain the patentability of the independent claims and several dependent claims. Accordingly, Applicant submits that all the pending claims are in condition for allowance. If the Examiner determines that a telephone conference would further the prosecution of this application, he is invited to telephone the undersigned at his convenience.

Date: April 4, 2008

/ Harold H. Fullmer/  
Harold H. Fullmer  
Registration No. 42,560

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439